

Sean Halloran  
Hartig Rhodes Hoge & Lekisch, P.C.  
717 K Street  
Anchorage, Alaska 99501  
Phone: (907) 276-1592  
Fax: (907) 277-4352  
Firm email: [mail@hartig.law.pro](mailto:mail@hartig.law.pro)  
Attorneys for Teck Cominco Alaska Incorporated

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

ENOCH ADAMS, JR., LEROY ADAMS,	)	
ANDREW KOENIG, JERRY NORTON,	)	
DAVID SWAN, JOSEPH SWAN,	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
TECK COMINCO ALASKA	)	
INCORPORATED,	)	
Defendant,	)	
	)	
NANA REGIONAL CORPORATION, and	)	
NORTHWEST ARCTIC BOROUGH,	)	
Intervenor-Defendants.	)	Case No.: A04-00049 CV (JWS)
_____	)	

DECLARATION OF RACHEL DAVIS

I, Rachel Davis, make my sworn declaration as follows:

1. I have personal knowledge of and am competent to testify to all facts set forth in this declaration.
2. I am employed by Hartig Rhodes Hoge & Lekisch, PC as a paralegal. Hartig Rhodes serves as counsel for Teck Cominco Alaska Incorporated in the above

captioned matter. I am familiar with this case and disclosures made by Teck Cominco to the plaintiffs.

3. Exhibit 1341 addresses one of Plaintiffs' claims in their Supplemental Revised Complaint of October 8, 2007. It was first received by counsel for Teck Cominco on January 16, 2008 and was hand-delivered to Luke Cole on January 18, 2008. It was earlier reported to me that this document could not be found anywhere within the files of Teck Cominco. As a result, it was necessary to make a request to the lab to provide a new copy.

4. Hartig Rhodes and Teck Cominco personnel have been diligent in attempting to locate documents relevant to the newly added claims since the claims were first made known to us in late summer of 2007, and our efforts to locate such documents is ongoing. There has been no delay in providing relevant documents to the plaintiffs when they have been found.

5. Exhibit 1648 was provided to Plaintiffs' counsel as Attachment A to Keith Malone's Declaration dated September 1, 2003 and filed with the court at Docket 92 in the case of KRPC v. Teck Cominco, A02-231 CV (JWS). The parties agreed long ago that discovery in that case did not need to be produced again in this case.

6. Exhibit 1649 and 1651 was provided to Plaintiffs' counsel as Attachment 2 and Attachment 1 to Jason Weakley's Declaration dated September 1, 2003, which was also filed with the court at Docket 92 in the KRPC case.

7. Exhibit 1652 was provided to Plaintiffs' counsel as Exhibit 2 to Mark Thompson's Declaration Regarding TDS dated October 3, 2005 and attached as Attachment 1 to Teck Cominco's Opposition to Plaintiffs' Motion for Summary Judgment filed at Docket 100 in this case. An earlier version of Exhibit 1652 was also served on counsel for the plaintiffs when it was provided in Teck Cominco's Initial Disclosures dated February 7, 2003 Bates numbers TC 005138-5152 RD and again in Teck Cominco's First Supplemental Disclosures dated March 7, 2003 Bates numbers TC 007924-7938 RD.

8. Exhibit 1656 was made "available for inspection and copying" in response to Plaintiffs' Request for Production No. 6 dated May 12, 2003. See Attachment 1.

9. Exhibit 1658 was produced to Plaintiffs' counsel as document TC 012314 RD on June 17, 2004 in Teck Cominco's Initial Disclosures in this case.

10. Exhibit 1663 was produced to Plaintiffs' counsel on January 18, 2008 as part of expert Joyce Tsuji's updated expert report in accordance with the deadline set forth in the order at Docket 167.

11. Exhibits 1664-1666 were produced to Plaintiffs' counsel on January 18, 2008. I was present when attorney Sean Halloran explained to Luke Cole that these exhibits were being produced as part of experts Joyce Tsuji's and Robert Fuhrman's supplemental expert reports, which were hand-delivered to Mr. Cole on January 18, 2008 in accordance with the deadline set forth in the order at Docket 167.

12. Exhibits 1676 and 1677, photos of the monitoring stations, were produced in Teck Cominco's First Supplemental Disclosures dated March 7, 2003 as Bates numbers TC 007946 -007947 RD.

13. Exhibit 1703, a photograph of Red Dog Creek, was first produced in this litigation to the plaintiffs four years ago as TC 004868 RD in response to Plaintiffs' Request for Production No. 12 dated May 12, 2003. See Attachment A, which is a true and correct copy of Defendant's Answers to Plaintiffs' First Request for Production dated May 12, 2003

14. Exhibit 1707 and 1708 were produced to the plaintiffs as Exhibit 12 to Mark Thompson's Declaration Regarding TDS dated October 3, 2005 and were filed with the court at Docket 100.

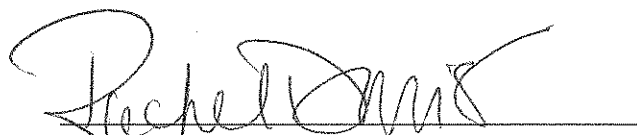
15. Exhibit 1709 is the same exhibit as Plaintiffs' Exhibit 73 and was produced on November 14, 2006 as TC 027459-27460 RD in Teck Cominco's responses to Plaintiffs' Requests for Production No. 148-151, 153 and 191.

16. Exhibit 1710 was produced to Plaintiffs' counsel on October 12, 2004 as Attachment 1 to Teck Cominco's response to Plaintiffs' Request for Production No. 189.

17. Exhibit 1711 was produced to Plaintiffs' counsel on January 18, 2008 as part of expert Joyce Tsuji's supplemental expert report (Exhibit 2). This report was hand-

delivered to Mr. Cole on January 18, 2008 in accordance with the deadline set forth in the order at Docket 167.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.



Rachel K. Davis

CERTIFICATE OF SERVICE

I hereby certify that on the 5<sup>th</sup> day of February, 2008,  
a true and correct copy of the foregoing was served,  
via electronic service, on the below identified parties of  
record:

Luke W. Cole  
Center on Race, Poverty, & the Environment  
47 Kearny Street, Suite 804  
San Francisco, California 94108

Nancy S. Wainwright (via U.S. Mail only)  
Law Offices of Nancy S. Wainwright  
13030 Back Road, Suite 555  
Anchorage, Alaska 99515-3538

James E. Torgerson  
Heller Ehrman White & McAuliffe LLP  
510 L Street, Suite 500  
Anchorage, Alaska 99501-1959

David S. Case  
Landye Bennett Blumstein LLP  
701 W. 8<sup>th</sup> Ave., Suite 1200  
Anchorage, AK 99501

s/Sean Halloran  
Hartig Rhodes Hoge & Lekisch PC